

FORM PTO-1390
(REV 07-2005)

U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICE

ATTORNEY DOCKET NO.
65836.00006

TRANSMITTAL LETTER TO THE UNITED STATES
DESIGNATED/ELECTED OFFICE (DO/EO/US)
CONCERNING A SUBMISSION UNDER 35 U.S.C. 371

DATE: August 29, 2006

U.S. APPLN. NO.
(IF KNOWN, SEE 37 C.F.R. 1.5)
10/566,267

INTERNATIONAL APPLICATION NO.
PCT/JP2004/010651

INTERNATIONAL FILING DATE
27 July 2004

PRIORITY DATE CLAIMED
29 July 2003

TITLE OF INVENTION: METHOD OF BREEDING AZALEA

APPLICANT(S) FOR DO/EO/US: Yusuke SAKATA; Fumio HASHIMOTO

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☐ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
(THE BASIC FILING FEE IS ATTACHED)
2. ☒ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☐ This is an express request to begin national examination procedures [35 U.S.C. 371(f)]. The submission must include items (5), (6), (9) and (21) indicated below.
4. ☐ The US has been elected (Article 31).
5. ☐ A copy of the International Application as filed [35 U.S.C. 371(c)(2)]
 - a. ☐ is transmitted herewith (required only if not transmitted by the International Bureau).
 - b. ☐ has been transmitted by the International Bureau.
 - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ An English language translation of the International Application as filed [35 U.S.C. 371(c)(2)].
 - a. ☐ is attached hereto.
 - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☐ Amendments to the claims of the International Application under PCT Article 19 [35 U.S.C. 371(c)(3)]
 - a. ☐ are transmitted herewith (required only if not transmitted by the International Bureau).
 - b. ☐ have been transmitted by the International Bureau.
 - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
 - d. ☐ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 [35 U.S.C. 371(c)(3)].
9. ☐ An oath or declaration of the inventor(s) [35 U.S.C. 371(c)(4)].
10. ☐ An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 [35 U.S.C. 371(c)(5)].

Items 11 - 20 below concern other document(s) or information included:

11. ☒ An Information Disclosure Statement under 37 C.F.R. 1.97 and 1.98, with PTO-1449 and 13 references.
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 C.F.R. 3.28 and 3.31 is included.
13. ☐ A FIRST preliminary amendment.
☐ A SECOND or SUBSEQUENT preliminary amendment.
14. ☐ Application Data Sheet.
15. ☐ A substitute specification.
16. ☐ A change of power of attorney and/or address letter.
17. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 35 U.S.C. 1.821 - 1.825.
18. ☐ A second copy of the published international application under 35 U.S.C. 154(d)(4).
19. ☐ A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).
20. ☐ Other items or information:

U.S. APPLN. NO. (IF KNOWN, SEE 37 C.F.R. 1.50) 10/566,267		INTERNATIONAL APPLICATION NO. PCT/JP2004/010651		ATTORNEY DOCKET NO. 65836.00006 DATE: August 29, 2006	
The following fees have been submitted 21. <input type="checkbox"/> Basic National Fee (37 CFR 1.492(a))..... \$300.00				CALCULATIONS	PTO USE ONLY
22. <input type="checkbox"/> Examination fee (37 CFR 1.492(c)) <ul style="list-style-type: none"> • If the written opinion prepared by ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1) - (4) \$0.00 • All other situations.....\$200.00 					
23. <input type="checkbox"/> Search fee (37 CFR 1.492(b)) <ul style="list-style-type: none"> • If the written opinion of the ISA/US or the International preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4).....\$0.00 • Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the United States Patent & Trademark Office as an International Search Authority.....\$100.00 • International Search Report prepared by an ISA other than the US and provided to the Office or previously communicated to the US by the IB.....\$400.00 • All other situations.....\$500.00 					
TOTAL OF 21, 22 and 23 =					
Surcharge of \$130.00 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date [37 C.F.R. 1.492(e)].					
Claims	Number Filed	Number Extra	Rate		
Total Claims			X \$ 50.00		
Independent Claims			X \$ 200.00		
Multiple dependent claim(s) (if applicable)			+ \$360.00		
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in an electronic medium). The fee is \$250.00 for each additional 50 sheets of paper or fraction thereof.					
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof (round up to a whole number)	RATE		
- 100 =	/50 =		X \$250.00		
TOTAL OF ABOVE CALCULATIONS =					
Reduction by one-half for filing by small entity, if applicable. Applicant claims small entity status. See 37 CFR 1.27.					
SUBTOTAL =					
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date [37 C.F.R. 1.492(f)]. +				\$	
TOTAL NATIONAL FEE =					
Fee for recording the enclosed assignment [37 C.F.R. 1.21(h)]. The assignment must be accompanied by an appropriate cover sheet (37 C.F.R. 3.28, 3.31). \$40.00 per property +					
TOTAL FEES ENCLOSED =				\$0.00	
				Amount to be refunded	\$
				Charged	\$

U.S. APPLN. NO. (IF KNOWN, SEE 37 C.F.R. 1.50) 10/566,267	INTERNATIONAL APPLICATION NO. PCT/JP2004/010651	ATTORNEY DOCKET NO. 65836.00006 DATE: August 29, 2006
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a. ☐ A check in the amount of \$_____ to cover the above fees is enclosed.

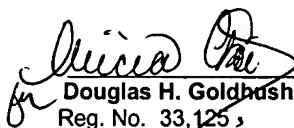
b. ☐ Please charge Counsel's Deposit Account No. 50-2222 in the amount of \$_____ to cover the above fee.
A duplicate copy of this sheet is enclosed.

c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Counsel's Deposit Account No. 50-2222.

NOTE: Where an appropriate time limit under 37 C.F.R. 1.494 or 1.495 has not been met, a petition to revive [37 C.F.R. 1.137(a) or (b)] must be filed and granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO:

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PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Yusuke SAKATA, et al.

Group Art Unit: Not yet assigned

Application No.: 10/566,267

Examiner: Not yet assigned

Filed: January 30, 2006

Attorney Dkt. No.: 65836.00006

For: METHOD OF BREEDING AZALEA

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

August 29, 2006

Sir:

Pursuant to 37 CFR §1.56, the attention of the Patent and Trademark Office is hereby directed to the information item(s) listed on the attached PTO-1449. One copy of each item(s) other than U.S. patents or U.S. patent publications is attached. It is respectfully requested that the information be expressly considered during the prosecution of this application, and that the item(s) be made of record therein and appear among the "References Cited" on any patent to issue therefrom.

- ☒ 1. This Information Disclosure Statement is being filed (a) within three months of the U.S. filing date, OR (b) before the mailing date of a first Office Action on the merits in the present application, or (c) accompanies a Request for Continued Examination. No certification or fee is required.
- ☐ 2. This Information Disclosure Statement is being filed more than three months after the U.S. filing date AND after the mailing date of the first Office Action on the merits, but before the mailing date of a Final Rejection or Notice of Allowance.
- ☐ a. I hereby certify that each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than

three months prior to the filing of this Information Disclosure Statement.
37 CFR §1.97(e)(1).

☐ b. I hereby certify that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application or, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 CFR §1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 CFR §1.97(e)(2).

☐ c. A check in the amount of \$180.00 in payment of the fee under 37 CFR §1.17(p). Please charge any fee deficiency or credit any overpayment to Counsel's Deposit Account No. 50-2222 as needed to ensure consideration of the disclosed information.

☐ 3. This Information Disclosure Statement is being filed more than three months after the U.S. filing date and after the mailing date of a Final Rejection or Notice of Allowance, but before payment of the Issue Fee. Applicant(s) hereby petition(s) that the Information Disclosure Statement be considered. Attached is our check in the amount of \$180.00 in payment of the petition fee under 37 CFR §1.17(p). Please charge any fee deficiency or credit any overpayment to Counsel's Deposit Account No. 50-2222 as needed to ensure consideration of the disclosed information.

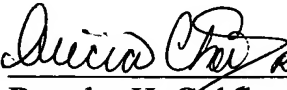
☐ a. I hereby certify that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 CFR §1.97(e)(1).

☐ b. I hereby certify that no item of information in this Information Disclosure Statement was cited in any communication from a foreign patent office in a counterpart foreign application and, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 CFR §1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 CFR §1.97(e)(2).

☒ 4. The relevance of the non-English language reference(s) is discussed in the present specification.

In the event that there are any fees due with respect to the filing of this paper, please charge Counsel's Deposit Account No. 50-2222.

Respectfully submitted,


for Douglas H. Goldhush
Registration No. 33,125

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DHG:kh

Enclosures: PTO-1449 Form; 13 References

FORM PTO-1449 U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE LIST OF REFERENCES CITED BY APPLICANT <i>(Use several sheets if necessary)</i>	ATTY. DOCKET NO. 65836.00006	SERIAL NO. 10/566,267
	APPLICANT Yusuke SAKATA, et al.	
	FILING DATE January 30, 2006	GROUP Not yet assigned

U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NO.	DATE	NAME	CLASS	SUB- CLASS	FILING DATE
	AA	13073	06/12/1855				
	AB	20040073980	04/15/2004	Walter Preil, et al.			
	AC						

FOREIGN PATENT DOCUMENTS

		DOCUMENT NO.	DATE	COUNTRY	CLASS	SUB- CLASS	TRANSLATION YES NO PART.		
	AD	CN 1413435	04/30/2003	China					X
	AE	JP 11-266728	10/05/1999	Japan			X		
	AF								

OTHER REFERENCES (Including Author, Title, Date, Pertinent Pages, Etc.)

	AG	Kennichi Arisumi, "Tsutsuji/Shakunage niokeru Taisho-sei/Shinkashoku ryouiki no sosei ni kansuru Kenkyu", Report for Results of Research of subsidy for scientific research expense 1990 (general research C) Them 6356032, March 1991, pages 1-2.
	AH	Kennichi Arisumi, "Tsutsuji/Shakunage niokeru Taisho-sei/Shinkashoku ryouiki no sosei ni kansuru Kenkyu", Report for Results of Research of subsidy for scientific research expense 1990 (general research C) Them 635032, March 1991, pages 1-2, Fig. 4.
	AI	Kennichi Arisumi, "Takshosei Shakunage no Ikushu (3)", Rhododendron 2003, Vol. 3, No. 1, pages 67-83.
	AJ	Teruo Takeuchi "Mitsuba Tsutsuji to Sakura Tsutsuji", Shakunage to Tsutsuji, Seibundo Shinko Sya, May 1969, pages 102-120.
	AK	Takashi Yamasaki et al., "Mitsuba Tsutsuji no Syurui to Saibai", Tsutsuji sono Syurui to Saibai, Seibundo Shinko Sya, March 1976, pages 60-76.
	AL	Toshiyuki Goto, "Mitsuba Tsutsuji rui no Ikusyu", Shin Kaki, No. 106, June 1980, page 45.
	AM	Teruo Tamura, et al., "Kurume Tsutsuji no Saibai to Yurai", Kurume no Tsutsuji, Ashi Shobo, April 1989, pages 98-99.

EXAMINER	DATE CONSIDERED
*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.	

FORM PTO-1449 U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE LIST OF REFERENCES CITED BY APPLICANT <i>(Use several sheets if necessary)</i>	ATTY. DOCKET NO.	SERIAL NO.
	65836.00006	10/566,267
	APPLICANT Yusuke SAKATA, et al.	
	FILING DATE	GROUP
	January 30, 2006	Not yet assigned

U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NO.	DATE	NAME	CLASS	SUB- CLASS	FILING DATE
	AN						
	AO						
	AP						

FOREIGN PATENT DOCUMENTS

		DOCUMENT NO.	DATE	COUNTRY	CLASS	SUB- CLASS	TRANSLATION YES NO PART.		
	AQ								
	AR								
	AS								

OTHER REFERENCES *(Including Author, Title, Date, Pertinent Pages, Etc.)*

	AT	Masaharu Kunishige, "Sonotano Jouryoku Tsutsuji", Tsutsjui sono Syurui to Saibai, Seibundo Shinko Sya, March 1976, pages 98-99.
	AU	Teruo Tamura, et al., "Hirado Tsutsuji no Saibai to Yurai", Kurume no Tsutsuji, Ashi Shobo, April 1989, pages 153-162.
	AV	Ken-ichi Arisumi, et al., "Shikizaki Tsutsuji no Ikusyu nikannsuru", Abstract of Presentation of Results of Study in Horticultural Society, 1979, Spring meeting 1979, pages 256-257.
	AW	Masanori Goi, "Tsutsuji No Kaikatokusei", Shinkaki, No. 106, June 1980, Pages 72-75.
	AX	
	AY	
	AZ	

EXAMINER

DATE CONSIDERED

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.